


FILED

1 Olivia F. Gonzales
2 olivia.gonzales.us@member.mensa.org
3 2424 West Grand Ave Apt D
4 Alhambra, CA 91801
5 (714) 504-6606
6 In Pro Per

2016 JUN -3 PM 3:51
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
RY: 

10 SUPERIOR COURT OF CALIFORNIA
11 Central District of California

14 Olivia F. Gonzales,
15 Plaintiff

16 vs.

17 Caremore Health Plan,
18 Defendant

) Case No.: CV 15-1499 ODW (FFMx)
)
) NOTICE OF MOTION AND MOTION;
) MEMORANDUM OF POINTS AND
) AUTHORITIES; and DECLARATION
) OF OLIVIA GONZALES IN SUPPORT
) OF MOTION TO COMPEL
) RESPONSES TO REQUESTS FOR
) PRODUCTION OF DOCUMENTS,
) SET 1 AND MONETARY SANCTION
)
)
) Date: ~~June 24, 2016~~ JULY 5, 2016
) Dept. ~~Department 53~~ ROYBAL
Time: ~~2:00 p.m.~~ 10:00 AM

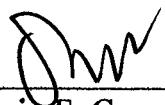
1 To Caremore Health Plan and to its attorney of record Young, Zinn & Bates, LLP:

2
3 NOTICE IS HEREBY GIVEN that on ~~June 24, 2016~~ ^{JULY 5, 2015} or as soon thereafter as the
4 matter may be heard, in ~~Department 53312~~ ^{ROYBAL} this court, located at 312 North Spring
5 Street, Los Angeles, CA 90012, the Plaintiff Olivia Gonzales will, and hereby does,
6 move for an order compelling Caremore Health Plan, to serve a response to the
7 Plaintiff's Requests for Production of Documents, set 1, which she served on
8 Defendant on January 12, 2016 , and will further move this court for an order requiring
9 Defendant Caremore Health Plan, to pay a monetary sanction to Plaintiff. The motion
10 will be made on the grounds that Defendant has failed to serve a timely response to the
11 above-described Requests for Production of Documents.
12

13 The motion will be based on this notice of motion, on the declaration of Olivia
14 Gonzales and the memorandum set forth below, on the records and file herein, and on
15 such evidence as may be presented at the hearing of the motion.
16

17
18
19 Dated: May 24, 2016

20
21 By: _____


22 Olivia F. Gonzales
23 Plaintiff, In Pro Per
24
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1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT FOR ORDER
2 COMPELLING RESPONSES TO REQUEST FOR PRODUCTION AND FOR
3 MONETARY SANCTIONS
4

5 DEFENDANT CAREMORE HEALTH PLAN HAS FAILED TO SERVE A TIMELY
6 RESPONSE TO PLAINTIFF OLIVIA F. GONZALES' DEMAND FOR
7 PRODUCTION OF DOCUMENTS, SET 1, AND THUS THE COURT SHOULD
8 MAKE AN ORDER COMPELLING A RESPONSE AND IMPOSING A
9 MONETARY SANCTION FOR THE FAILURE TO RESPOND.
10

11 **A. Party May Move for Order Compelling Response and for Monetary Sanction.**

12 When a party makes an inspection demand under Section 2031.010 of the Code of
13 Civil Procedure and the party to whom the demand is directed fails to respond, the
14 demanding party may move for an order compelling response and for a monetary
15 sanction under Section 2023.030 of the Code of Civil Procedure (Code Civ. Proc. §
16 2031.300).
17

18 **B. Waiver of Objection to Demand.** When the party to whom an inspection demand
19 has been directed fails to serve a timely response to it, that party waives any objection
20 to the demand, including one based on privilege or on the protection for work product
21 under Section 2018.010 et seq. of the Code of Civil Procedure (Code Civ. Proc. §
22 2031.300(a)).
23

24 **C. Court Must Impose Monetary Sanction Absent Specified Findings.** The court
25 must impose a monetary sanction under Section 2023.030 of the Code of Civil
26 Procedure against any party, person, or attorney who unsuccessfully opposes a motion
27 to compel a response to an inspection demand, unless it finds that the one subject to the
28

1 sanction acted with substantial justification or that other circumstances make the
2 imposition of the sanction unjust (Code Civ. Proc. §§ 2023.030(a), 2031.300(c)).
3

4 **D. Court May Impose Sanctions Despite Lack of Opposition to Motion to Compel**
5 **Discovery.** The court may award sanctions under the Discovery Act in favor of a party
6 who files a motion to compel discovery, even though no opposition to the motion was
7 filed, or opposition to the motion was withdrawn, or the requested discovery was
8 provided to the moving party after the motion was filed (Cal. Rules of Ct., Rule
9 3.1030(a)).
10

11 Dated: May 24, 2016
12

13 By: _____
14

15 Olivia F. Gonzales
16 Plaintiff, In Pro Per
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2 DECLARATION OF OLIVIA GONZALES IN SUPPORT FOR ORDER
3 COMPELLING RESPONSES TO DISCOVERY REQUESTS AND FOR
4 MONETARY SANCTIONS
5
6

7 I, Olivia Gonzales, declare:
8

9 1. I am the Movant in the above entitled action.
10

11 2. The complaint is Discrimination, Harassment and Wrongful Termination
12

13 3. On January 12, 2016 I served my Requests for Production of Documents, Set
14 1, on the Defendant Caremore Health Plan.
15

16 4. Plaintiff intends to prove that the Management in Caremore intentionally
17 harassed and discriminated the Plaintiff so they can hire and promote Indian Nationals.
18

19 5. Plaintiff requested for documents and other materials, dated before and after
20 the hiring of the Indian National.
21

22 6. Defendant's responses to my Requests for Production of Documents, Set 1,
23 were evasive and did not produce a single document out of 17 requests. Attached
24 Exhibit A.
25

26 7. On April 19, 2016 after my deposition, I personally met and conferred with
27 Karen J. Pazzani of Young, Zinn & Bate.
28

1 8. On April 23, 2016, I mailed a summary of what was discussed during the
2 meet and confer with Karen Pazzani, see Exhibit B.

3
4 9. As of this date, I have not received a single document from the Defendant for
5 the 17 requests I made.

6
7 10. I ask that the court award sanctions of \$1,520.00. I base my request for the
8 imposition of a sanction on basis that it took me 40 hours to research and prepare the
9 instant motion. My hourly wage is \$38 per hour times 40 hours equals \$1,520. In
10 addition, the motion filing fee for this motion was \$60.

11
12 I declare under penalty of perjury under the laws of the State of California that
13 the foregoing is true and correct.

14
15 Dated: May 24, 2016

16
17
18 By: _____

19 Olivia Gonzales

20 Movant/Plaintiff, In Pro Per
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hzinn@yzblaw.com
KAREN J. PAZZANI (State Bar No. 252133)
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YOUNG, ZINN & BATE LLP
888 South Figueroa Street, Fifteenth Floor
Los Angeles, California 90017
Telephone: (213) 362-1860
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Attorneys for Defendant
CAREMORE HEALTH PLAN, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

Olivia F. Gonzales,

Plaintiff,

vs.

Caremore Health Plan, Inc.

Defendant

Case No. CV 15-1499 ODW (FFMx)

**DEFENDANT CAREMORE
HEALTH PLAN, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFF OLIVIA F. GONZALES'
REQUEST FOR PRODUCTION OF
DOCUMENTS AND/OR THINGS,
SET ONE**

Complaint Filed: March 2, 2015

RESPONDING PARTY: Defendant CareMore Health Plan, Inc.

PROPOUNDING PARTY: Plaintiff Olivia F. Gonzales

SET NUMBER: One

1 **TO PLAINTIFF OLIVIA F. GONZALES, IN PRO PER:**

2
3 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendant
4 CareMore Health Plan, Inc. ("CareMore") hereby objects and responds to plaintiff
5 Olivia F. Gonzales' ("Plaintiff") Request for Production of Documents and/or
6 Things (Set No. One) ("Request" or "Requests").
7

8 **PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

9 1. These responses are made solely for the purpose of this action. Each
10 response is given subject to the objections set forth below including, but not limited
11 to, objections concerning relevancy, materiality, propriety, and admissibility. All
12 such objections are reserved and may be interposed at the time of trial.

13 2. CareMore has not completed its investigation or analysis of the facts
14 relating to this action and has not yet completed preparation for trial. Accordingly,
15 the following objections and responses are given without prejudice to CareMore's
16 right to produce, disclose, or use, at a later date, subsequently discovered evidence.
17 CareMore further reserves the right to amend or supplement these responses at any
18 time.

19 3. CareMore objects to each Request to the extent it seeks documents
20 protected by the attorney-client privilege, the attorney work product doctrine, or any
21 other privilege, immunity, or protection available under the law. CareMore will not
22 produce any documents so protected. CareMore does not intend by these responses
23 or objections to waive any claim of privilege or immunity.

24 4. CareMore further objects to each Request to the extent that it seeks
25 documents that are equally available to Plaintiff on the grounds of burden and
26 oppression.

27 5. CareMore further objects to each Request to the extent that the Request
28 seeks documents not within CareMore's possession, custody, or control.

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6. CareMore further objects to each Request to the extent that the Request seeks to impose on CareMore any obligation beyond those required by the Federal Rules of Civil Procedure and/or the local rules of this Court, and on the grounds that the documents requested are not relevant to any party's claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence.

7. CareMore further objects to the Requests to the extent the Definitions and Instructions, including the "Storage Medium" instruction, seeks to impose on CareMore any obligation to produce documents in a format other than the format described in the parties' Joint Report Following Fed.R.Civ.P 26(f) Conference dated January 19, 2016.

8. CareMore objects and responds to each Request on the basis of CareMore's understanding and interpretation of the specific Request. If Plaintiff understands or interprets any of the Requests differently, CareMore reserves the right to supplement any of these responses, either with additional objections or otherwise.

CareMore hereby incorporates the Preliminary Statement and General Objections into each of the following specific objections.

OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:

Any and all DOCUMENTS constituting, discussing, or otherwise pertaining to correspondence or other written or oral COMMUNICATIONS between CAREMORE and the EEOC that relate or pertain to (a) Plaintiff employment with DEFENDANT or its termination; (b) any alleged wrongful conduct on the part of DEFENDANT; and/or (c) any and all other matters encompassed by the Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

CareMore objects to this Request on the grounds that it is overbroad as to

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1 time and scope. CareMore further objects to this Request on the grounds that it is
2 vague, ambiguous, and unintelligible as to the meaning of the phrase "any and all
3 other matters encompassed by the Defendant." CareMore further objects to this
4 Request on the grounds that it seeks documents that are not relevant to any party's
5 claims or defenses, not relevant to the subject matter of this action, and not
6 reasonably calculated to lead to the discovery of admissible evidence. CareMore
7 further objects to this Request to the extent that it seeks documents, the disclosure of
8 which would constitute an unwarranted invasion of the affected persons' federal and
9 state constitutional, statutory, and common law rights of privacy and confidentiality.
10 CareMore further objects to this Request to the extent it seeks documents protected
11 by the attorney-client privilege and/or work product doctrine.

12 Subject to and without in any way waiving the foregoing objections, and to
13 the extent CareMore understands this Request, CareMore responds by producing the
14 July 2, 2014 letter and attachments thereto.

15
16 **REQUEST FOR PRODUCTION NO. 2:**

17 Any and all DOCUMENTS, including, but not limited to, names, addresses,
18 recordings, letters, tests and test results, interview questions, notes, e-mails,
19 resumes, references and/or instant messages, that evidence and/or relate or pertain to
20 the rejection of other applicants whose national origin is not India for the position
21 given to Yugandar Chaparala or to any Indian National.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

23 CareMore objects to this Request on the grounds that it is grossly overbroad
24 and unduly burdensome, and has been propounded to vex, annoy, and/or harass.
25 CareMore further objects to this Request on the grounds that it is vague, ambiguous,
26 and overbroad as to its definition of the term "Indian National" and as to the phrase
27 "the position given to Yugandar Chaparala." CareMore further objects to this
28 Request on the grounds that it seeks documents that are not relevant to any party's

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claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to the Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights of privacy and confidentiality. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work product doctrine. CareMore further objects to this Request to the extent that it seeks documents not within CareMore's possession, custody, or control. CareMore does not inquire into the national origin of its employees or applicants and does not consider a person's national origin in making personnel decisions.

REQUEST FOR PRODUCTION NO. 3:

Any and all DOCUMENTS which evidence, refer to, relate to, or otherwise pertain to the employment of Indian Nationals and Felix Orito, by DEFENDANT, including, but not limited to:

(a) DOCUMENTS relating to their initial hiring or rehiring, including Resumes, interview, test and test results and/or other records of employment history; job applications and related documentation; references regarding their character and/or work performance; work status (H1b, OPT, legal Resident, et.al) negotiations regarding any aspect of employment; offers of employment; terms, benefits and conditions of employment; employment contracts, if any; and job title and/or status;

(b) DOCUMENTS relating to their job classification(s), including requests for changes in job title and /or status; changes in job title and/or status; promotions and/or transfers; requests for promotion and/or transfer; responses to requests for promotion and/or transfer; job requirements; job assignments, responsibilities,

1 and/or duties; requests for job assignments, responsibilities, and/pr duties; and
 2 responses to requests for job assignments, responsibilities, and/or duties;

3
 4 (c) DOCUMENTS relating to rates of pay, salary, wages, earnings,
 5 detailed timesheets, compensation, commissions, bonuses, or any other form of
 6 income or remuneration; changes in rate of pay, salary, wages, earnings,
 7 compensation, commissions, bonuses, or in any other form of income or
 8 remuneration; offers of benefits to be paid for (in whole or in part) or provided by
 9 DEFENDANT, regardless of whether those benefits were actually obtained.;
 10 benefits statements; insurance-related DOCUMENTS; pension rights and benefits;
 11 and/or seniority; and

12
 13 (d) DOCUMENTS relating to any threatened, potential, or actual
 14 termination and/or other disciplinary action or separation from employment.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

16 CareMore objects to this Request on the grounds that it is grossly overbroad
 17 and unduly burdensome, and has been propounded to vex, annoy, and/or harass.
 18 CareMore further objects to this Request on the grounds that it is vague, ambiguous,
 19 and overbroad as to its definition of the term "Indian National." CareMore further
 20 objects to this Request on the grounds that it seeks documents that are not relevant
 21 to any party's claims or defenses, not relevant to the subject matter of this action,
 22 and not reasonably calculated to lead to the discovery of admissible evidence.
 23 CareMore further objects to the Request to the extent that it seeks documents, the
 24 disclosure of which would constitute an unwarranted invasion of the affected
 25 persons' federal and state constitutional, statutory, and common law rights of
 26 privacy and confidentiality. CareMore further objects to this Request to the extent it
 27 seeks documents protected by the attorney-client privilege and/or work product
 28 doctrine. CareMore further objects to this Request to the extent that it seeks

documents not within CareMore's possession, custody, or control. CareMore does not inquire into the national origin of its employees or applicants and does not consider a person's national origin in making personnel decisions.

REQUEST FOR PRODUCTION NO. 4:

Any and all DOCUMENTS which evidence, relate to, comprise, or otherwise pertain to DEFENDANT's assessment of all employees, job performance, work conduct, and/or behavior, including,

- (a) Performance evaluations, reviews, formal or informal COMMUNICATIONS with CAREMORE about their performance, conduct, and/or behavior;
- (b) Complaints about their performance, conduct, and/or behavior;
- (c) Investigations of employees conduct, behavior, and/or job performance; and
- (d) Formal and/or informal warnings to, reprimands of, and/or discipline of employees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

CareMore objects to this Request on the grounds that it is grossly overbroad and unduly burdensome, and has been propounded to vex, annoy, and/or harass. CareMore further objects to this Request on the grounds that it seeks documents that are not relevant to any party's claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to the Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights of privacy and confidentiality. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work

1 product doctrine. CareMore further objects to this Request to the extent that it seeks
2 documents not within CareMore's possession, custody, or control.

3
4 **REQUEST FOR PRODUCTION NO. 5:**

5 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
6 notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to
7 present, that evidence and/or relate or pertain to Saurin Mehta's communication
8 with Defendant, its employees and contractors and with Cognizant and Cognizant's
9 employees.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

11 CareMore objects to this Request on the grounds that it is overbroad and
12 unduly burdensome, and has been propounded to vex, annoy, and/or harass.
13 CareMore further objects to this Request on the grounds that it seeks documents that
14 are not relevant to any party's claims or defenses, not relevant to the subject matter
15 of this action, and not reasonably calculated to lead to the discovery of admissible
16 evidence. CareMore further objects to this Request to the extent that it seeks
17 documents, the disclosure of which would constitute an unwarranted invasion of the
18 affected persons' federal and state constitutional, statutory, and common law rights
19 of privacy and confidentiality. CareMore further objects to this Request to the
20 extent it seeks documents protected by the attorney-client privilege and/or work
21 product doctrine. CareMore further objects to this Request to the extent that it seeks
22 documents not within CareMore's possession, custody, or control.

23
24 **REQUEST FOR PRODUCTION NO. 6:**

25 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
26 notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to
27 present, that evidence and/or relate or pertain to Yugandar Chaparala's
28

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1 communication with Defendant, its employees and contractors with Cognizant and
2 Cognizant's employees.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

4 CareMore objects to this Request on the grounds that it is overbroad and
5 unduly burdensome, and has been propounded to vex, annoy, and/or harass.

6 CareMore further objects to this Request on the grounds that it seeks documents that
7 are not relevant to any party's claims or defenses, not relevant to the subject matter
8 of this action, and not reasonably calculated to lead to the discovery of admissible
9 evidence. CareMore further objects to this Request to the extent that it seeks
10 documents, the disclosure of which would constitute an unwarranted invasion of the
11 affected persons' federal and state constitutional, statutory, and common law rights
12 of privacy and confidentiality. CareMore further objects to this Request to the
13 extent it seeks documents protected by the attorney-client privilege and/or work
14 product doctrine. CareMore further objects to this Request to the extent that it seeks
15 documents not within CareMore's possession, custody, or control.

16
17 **REQUEST FOR PRODUCTION NO. 7:**

18 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
19 notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to
20 present, that evidence and/or relate or pertain to Felix Orito's communication with
21 Defendant, its employees and contractors and with Cognizant and Cognizant's
22 employees.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

24 CareMore objects to this Request on the grounds that it is overbroad and
25 unduly burdensome, and has been propounded to vex, annoy, and/or harass.

26 CareMore further objects to this Request on the grounds that it seeks documents that
27 are not relevant to any party's claims or defenses, not relevant to the subject matter
28 of this action, and not reasonably calculated to lead to the discovery of admissible

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1 evidence. CareMore further objects to this Request to the extent that it seeks
2 documents, the disclosure of which would constitute an unwarranted invasion of the
3 affected persons' federal and state constitutional, statutory, and common law rights
4 of privacy and confidentiality. CareMore further objects to this Request to the
5 extent it seeks documents protected by the attorney-client privilege and/or work
6 product doctrine. CareMore further objects to this Request to the extent that it seeks
7 documents not within CareMore's possession, custody, or control.

8
9 **REQUEST FOR PRODUCTION NO. 8:**

10 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
11 notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to
12 present, that evidence and/or relate or pertain to James Tahvili's communication
13 with Defendant, its employees and contractors and with Cognizant and Cognizant's
14 employees.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

16 CareMore objects to this Request on the grounds that it is overbroad and
17 unduly burdensome, and has been propounded to vex, annoy, and/or harass.
18 CareMore further objects to this Request on the grounds that it seeks documents that
19 are not relevant to any party's claims or defenses, not relevant to the subject matter
20 of this action, and not reasonably calculated to lead to the discovery of admissible
21 evidence. CareMore further objects to this Request to the extent that it seeks
22 documents, the disclosure of which would constitute an unwarranted invasion of the
23 affected persons' federal and state constitutional, statutory, and common law rights
24 of privacy and confidentiality. CareMore further objects to this Request to the
25 extent it seeks documents protected by the attorney-client privilege and/or work
26 product doctrine. CareMore further objects to this Request to the extent that it seeks
27 documents not within CareMore's possession, custody, or control.

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REQUEST FOR PRODUCTION NO. 9:

Any and all DOCUMENTS, including, but not limited to, recordings, letters, notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to present, that evidence and/or relate or pertain to Venu Lingamaneni's communication with Defendant, its employees and contractors and with Cognizant and Cognizant's employees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

CareMore objects to this Request on the grounds that it is overbroad and unduly burdensome, and has been propounded to vex, annoy, and/or harass. CareMore further objects to this Request on the grounds that it seeks documents that are not relevant to any party's claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to this Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights of privacy and confidentiality. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work product doctrine. CareMore further objects to this Request to the extent that it seeks documents not within CareMore's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 10:

Any and all DOCUMENTS, including, but not limited to, recordings, letters, notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to present, that evidence and/or relate or pertain to any director's, officer's, managing agent', contracting agent's communication.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

CareMore objects to this Request on the grounds that it is grossly overbroad and unduly burdensome, and has been propounded to vex, annoy, and/or harass.

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CareMore further objects to this Request on the grounds that it is vague, ambiguous, and unintelligible. CareMore further objects to this Request on the grounds that it seeks documents that are not relevant to any party's claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to this Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights of privacy and confidentiality. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work product doctrine. CareMore further objects to this Request to the extent that it seeks documents not within CareMore's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 11:

Any and all DOCUMENTS, including, but not limited to, recordings, letters, notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to present, that evidence and/or relate or pertain to Maritza Mega's communication with Defendant, its employees and contractors and with Cognizant and Cognizant's employees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

CareMore objects to this Request on the grounds that it is overbroad and unduly burdensome, and has been propounded to vex, annoy, and/or harass. CareMore further objects to this Request on the grounds that it seeks documents that are not relevant to any party's claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to this Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights

1 of privacy and confidentiality. CareMore further objects to this Request to the
 2 extent it seeks documents protected by the attorney-client privilege and/or work
 3 product doctrine. CareMore further objects to this Request to the extent that it seeks
 4 documents not within CareMore's possession, custody, or control.

5
 6 **REQUEST FOR PRODUCTION NO. 12:**

7 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
 8 notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to
 9 present, that evidence and/or relate or pertain to James Nash's communication with
 10 Defendant, its employees and contractors and with Cognizant and Cognizant's
 11 employees.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 CareMore objects to this Request on the grounds that it is overbroad and
 14 unduly burdensome, and has been propounded to vex, annoy, and/or harass.
 15 CareMore further objects to this Request on the grounds that it seeks documents that
 16 are not relevant to any party's claims or defenses, not relevant to the subject matter
 17 of this action, and not reasonably calculated to lead to the discovery of admissible
 18 evidence. CareMore further objects to this Request to the extent that it seeks
 19 documents, the disclosure of which would constitute an unwarranted invasion of the
 20 affected persons' federal and state constitutional, statutory, and common law rights
 21 of privacy and confidentiality. CareMore further objects to this Request to the
 22 extent it seeks documents protected by the attorney-client privilege and/or work
 23 product doctrine. CareMore further objects to this Request to the extent that it seeks
 24 documents not within CareMore's possession, custody, or control.

25
 26 **REQUEST FOR PRODUCTION NO. 13:**

27 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
 28 notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to

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present, that evidence and/or relate or pertain to Jamie Myer's communication with Defendant, its employees and contractors and with Cognizant and Cognizant's employees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

CareMore objects to this Request on the grounds that it is overbroad and unduly burdensome, and has been propounded to vex, annoy, and/or harass. CareMore further objects to this Request on the grounds that it seeks documents that are not relevant to any party's claims or defenses, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to this Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights of privacy and confidentiality. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work product doctrine. CareMore further objects to this Request to the extent that it seeks documents not within CareMore's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 14:

Any and all DOCUMENTS, including, but not limited to, recordings, letters, notes, e-mails, project updates, and/or instant messages, from January 1, 2012 to present, that evidence and/or relate or pertain to Rajan Shah's communication with Defendant, its employees and contractors and with Cognizant and Cognizant's employees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

CareMore objects to this Request on the grounds that it is overbroad and unduly burdensome, and has been propounded to vex, annoy, and/or harass. CareMore further objects to this Request on the grounds that it seeks documents that are not relevant to any party's claims or defenses, not relevant to the subject matter

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LOS ANGELES, CALIFORNIA 90017

of this action, and not reasonably calculated to lead to the discovery of admissible evidence. CareMore further objects to this Request to the extent that it seeks documents, the disclosure of which would constitute an unwarranted invasion of the affected persons' federal and state constitutional, statutory, and common law rights of privacy and confidentiality. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work product doctrine. CareMore further objects to this Request to the extent that it seeks documents not within CareMore's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 15:

Any and all DOCUMENTS, including, but not limited to, recordings, letters, notes, e-mails, project updates, and/or instant message, that evidence and/or relate or pertain to Venu Lingamaneni's statement that Plaintiff can read his private chats.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

CareMore objects to this Request on the grounds that it is overbroad as to time and scope. CareMore further objects to this Request on the grounds that it is vague and ambiguous and assumes facts that have not been established. CareMore further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or work product doctrine.

Subject to and without in any way waiving the foregoing objections, and to the extent CareMore understands this Request, CareMore responds by producing Venu Lingamaneni's September 6, 2013 email to Jamie Myers regarding his belief that Plaintiff was reading his Microsoft Live communications with Saurin Mehta.

REQUEST FOR PRODUCTION NO. 16:

Correct and Original copy of the Performance Improvement Plan. The copy of the plan that was provided in the Defendant's initial disclosure is not from correct and original copy.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

2 CareMore objects to this Request on the grounds that it is vague and
3 ambiguous and assumes facts that have not been established.

4 Subject to and without in any way waiving the foregoing objections, and to
5 the extent CareMore understands this Request, CareMore responds that it has
6 produced a true and correct copy of the Performance Improvement Plan signed by
7 Plaintiff on February 15, 2013.

8
9 **REQUEST FOR PRODUCTION NO. 17:**

10 Any and all DOCUMENTS, including, but not limited to, recordings, letters,
11 notes, e-mails, financial statements, and/or instant messages, that pertain to
12 Caremore's contract with Medicare and Medicaid.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 CareMore objects to this Request on the grounds that it is grossly overbroad
15 and unduly burdensome as to time and otherwise, and has been propounded to vex,
16 annoy, and/or harass. CareMore further objects to this Request on the grounds that
17 it seeks documents that are not relevant to any party's claims or defenses, not
18 relevant to the subject matter of this action, and not reasonably calculated to lead to
19 the discovery of admissible evidence. CareMore further objects to this Request to
20 the extent that it seeks documents, the disclosure of which would constitute an
21 unwarranted invasion of the affected persons' federal and state constitutional,
22 statutory, and common law rights of privacy and confidentiality. CareMore further
23 objects to this Request to the extent it seeks documents protected by the attorney-
24 client privilege and/or work product doctrine.

1 DATED: February 16, 2016

HARRY A. ZINN
KAREN J. PAZZANI
YOUNG, ZINN & BATE LLP

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5 By: 

KAREN J. PAZZANI
Attorneys for Defendant
CareMore Health Plan, Inc.

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LOS ANGELES, CALIFORNIA 90017

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of 18 and not a party to the within action. My business address is 888 S. Figueroa Street, 15th Floor, Los Angeles, California 90017.

On February 16, 2016, I caused to be served the foregoing documents described as **DEFENDANT CAREMORE HEALTH PLAN, INC.'S RESPONSES TO PLAINTIFF OLIVIA F. GONZALES' REQUEST FOR PRODUCTION OF DOCUMENTS AND/OR THINGS, SET ONE** on the interested parties in this action by sending a true copy thereof to:

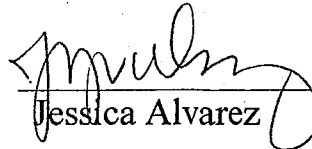
Olivia F. Gonzales, In Pro Per
2424 W. Grand Avenue, Apt. D
Alhambra, CA 91801

Olivia F. Gonzales, In Pro Per
3508 W. Mungall Dr.
Anaheim, CA 92804

BY U.S. MAIL as follows: I am "readily familiar" with Young, Zinn & Bate LLP's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of party served, service shall be presumed invalid if postal cancellation date or postage meter is more than one (1) day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 16, 2016, at Los Angeles, California.



Jessica Alvarez

April 23, 2016

Harry A.Zinn

Karen J. Pazzani

Young, Zinn & Bate LLP

888 South Figueroa Street, Fifteenth Floor,

Los Angeles, California 90017

Telephone (213) 362 -1860

Re: Olivia Gonzales vs. Caremore Health Plan

Dear Mr. Zinn, Miss Pazzani:

Thank you for meeting with me regarding discovery issues resulting from Plaintiff's First Request for production of Documents and First Set of Interrogatories.

I intend to file a motion to compel defendant to respond to my discovery. As you know, Local Rule 37-1 requires the parties to confer in person regarding all discovery issues prior to filing a motion. I am listing the issues as discussed in our meeting on April 19, 2016.

These are the issues we need to resolve:

On January 12, 2016 Plaintiff served Defendant with Plaintiff's First Request for Production of Documents. Defendants responded on February 16, 2016 by

producing NONE of the documents out of 17 requests. And by stating numerous unfounded objections. The following list outlines your objections and my position on your objections.

1. With respect to request for Production No. 1, where Plaintiff requested "EEOC file regarding Plaintiff", you indicated in your response that "Caremore objects to this request on the grounds that it is overbroad as to time and scope and that request is vague, ambiguous and unintelligible, and that the request is not relevant to any party's claim and defenses, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, etc." These objections are frivolous. First the request is clear. This case originated from a complaint made to EEOC. EEOC made a decision to give me the right to sue instead of making a decision against Defendant, based on Defendant's communication with EEOC. This case is about my employment and my termination from employment; thus this request is reasonably calculated to lead to the discovery of admissible evidence. Please immediately produce the "EEOC file". Please immediately produce them.
2. With respect to request for Production No. 2, where Plaintiff requested for records pertaining to applicants who were rejected before Yugandhar Chaparala OR ANY Indian National was hired, you indicated in your response that this is not relevant to the discovery of admissible evidence. This case is about discrimination based on nationality because Plaintiff is not of Indian descent. Plaintiff intends to prove that Yugandhar and other Indian

Nationals were favored over other applicants of different nationalities or Americans.

You further indicated that these are documents protected by attorney-client privilege. This objection is vague.

You also indicated that Caremore does not inquire into the national origin of its employees or applicants in making personnel decision. Production of the requested of documents should prove that this statement is true or NOT. Please immediately produce them.

3. With respect to request for Production No. 3, where Plaintiff requested for employment records (pay, benefits, promotions, contracts) of all Indian Nationals and of Felix Orito regardless of employment status and nationalities. You indicated in your response that it overbroad and burdensome. This objection is frivolous. Employees' files are typically stored as electronic files and if there are hard copies, each employee, on average would have one folder of hard copies.

You further objected that these documents are not within Caremore's possession. Again this objection is frivolous. Any company would have employment documents of their employees or contractors. You further indicated that that Caremore does not inquire into the national origin of its employees or applicants. AGAIN, Production of the requested of documents should prove that this statement is true or NOT. Please immediately produce them.

4. With respect to request for Production No 4, where Plaintiff requested for documents regarding other employees/contractors' behavior complaints, evaluations, reprimands. You indicated in your response that defendant object on the grounds that this request is grossly overbroad and unduly burdensome, and has been propounded to vex, annoy and/or harass and that the request is not relevant to the case. These objections are frivolous. Plaintiff's goal is not to vex, annoy or harass but to prove that Plaintiff was wrongfully terminated on a smaller offense while other employees who has committed gross offenses and illegal schemes continued to be employed and even promoted. Please immediately produce them.

5. With respect to request for Production No 5. , where Plaintiff requested for documents regarding Saurin Mehta's communication with Defendant, its employees and contractors and with Cognizant and Cognizant's employees. You indicated in your response that defendant object on the grounds that this request is grossly overbroad and unduly burdensome, and has been propounded to vex, annoy and/or harass and that the request is not relevant to the case. These objections are frivolous. This case is about harassment and discrimination. Saurin Mehta was also reported to Human Resources of presenting the Plaintiff's work without the presence of the Plaintiff but the presence of two other Indian Nationals who had nothing to do with the project. It is the intention of the plaintiff that there are other incidents in which Saurin Mehta discussed Plaintiff's other work to other people and to Cognizant's employees/contractors.

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- Code of Civil Procedure, §§ 1013, 1013a
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